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September 7, 2023

The Honorable Trina L. Thompson
United States District Court
Northern District of California
San Francisco Courthouse, Courtroom 9 – 19th Floor
450 Golden Gate Avenue, San Francisco, CA 94102
Submitted via ECF

Re: *Stebbins v. Google LLC*, No. 3:23-cv-00322-TLT

Dear Judge Thompson:

We represent Defendant Google LLC in the above-captioned action, along with its affiliates YouTube LLC and Alphabet Inc. who have been sued by Plaintiff David Stebbins in multiple copyright actions in this District. We write to notify the Court that Plaintiff appears to be in contempt of the Court's August 31, 2023 Order concerning Plaintiff's secretive recording of a telephone conversation between himself and counsel at Wilson Sonsini. That Order requires him "to immediately remove the recording from YouTube, delete copies of this or any recording Plaintiff has retained between Plaintiff and Defendant, and cease any future recording." Dkt. 72 (emphasis added); *see also* Dkt. 71 at 5-6. The Court also warned Plaintiff that "[f]ailure to comply with the Court's order may result in an order to show cause being issued to explain why the Court should not impose sanctions." Dkt. 72.

After the Order issued, we wrote Plaintiff to ask that he, within 24 hours, "(a) identify all recordings of conversations between yourself and counsel for Google, YouTube, or Alphabet, including any other conversations you have had with Wilson Sonsini attorneys; and (b) affirm in writing that you have complied with the order by deleting all copies of those recordings." Plaintiff did not respond. We wrote again on September 5, asking "one more time for a response by the end of the day on Wednesday [September 6]." Plaintiff responded: "In case you haven't noticed, I filed a motion seeking to have that vacated." *See Exhibit A.*

Plaintiff apparently has not complied. He seems to believe, erroneously, that merely filing a motion to vacate the Order suspends his compliance obligation.

In light of the foregoing, we request that the Court issue an order to show cause as to why Plaintiff should not be held in contempt for violating the Order.

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Page 2

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
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/s/ Ryan Benyamin
Ryan Benyamin